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# United States Department of the Interior

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Ms. Dale Hoffman-Floerke
Salton Sea PEIR comments
Colorado River & Salton Sea Office
Department of Water Resources
1416 9th Street, Room 1148-6
Sacramento, California 95814

Dear Ms. Hoffman-Floerke:

The Bureau of Indian Affairs has performed a review of the Salton Sea Ecosystem Restoration Study and the Draft Programmatic Environmental Impact Report (PEIR). We share your concern for the long term health and viability of the Salton Sea and believe it is imperative that the Salton Sea be restored. We strongly support your stated objectives: (1) restoration of long term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; (2) elimination of air quality impacts from the restoration project; and, (3) protection of water quality. We believe that a restored Sea would benefit the Torres Martinez Desert Cahuilla Indians and all the Tribes in the Coachella Valley. However, we believe that the document should more adequately address rights and the potential impacts upon these people who have thrived in this environment since time immemorial.

The document does not note or recognize Indian Water Rights in Chapter 5, Water Resources, or in Chapter 7, Groundwater; and provides no substantive discussion of the impacts of the alternatives on the ability of the Tribes to exercise their water rights. The document should be revised to reflect the federally reserved water rights of the Torres Martinez Desert Cahuilla Indians and other tribes in the Coachella Valley.

The illustrations in the Executive Summary, Pages ES-5, ES-13 through ES-21, and in the body of the report Figures 1-1, 3-2A through 3-11D, 5-4 and 14-1, 3.8-1, 3.8-2, 3.10-1, and 3.11-1 do not show Indian Trust lands nor lands submerged beneath the Salton Sea belonging to the Torres-Martinez Desert Cahuilla Indians. We suggest that the author(s) include the submerged lands in the illustrations and figures to allow the public and decision makers to understand the basis for jurisdiction of Torres-Martinez with regard to the restoration project.

Under the Clean Water Act, Torres-Martinez may have the authority to set water quality standards for the submerged lands. If Torres-Martinez does so, all parties discharging to water bodies that end up in the Salton Sea would be allowed to discharge only that water that meets the standard or that falls within the "total maximum daily load" (TMDL) for the impaired water body. Chapter 6, Surface Water Quality, Page 6-1, should mention the tribe's ability to set these standards and provide information on tribal water quality requirements for the Coachella Valley in general.

It can be argued, that if Torres-Martinez sets a salinity standard that is artificially low; for example, lower than salinity of the Pacific Ocean, they would severely limit agricultural water users' ability to farm. This would mean that the Salton Sea might no longer be used for irrigation return waters (one of the purposes of the Clean Water Act). This Tribal authority, as well as jurisdictional authority over substantial portions of the Sea bed and shoreline mandate membership by the Torres-Martinez Tribe in any organization that makes management decisions for the Salton Sea.

The PEIR has noted impacts to groundwater under present conditions. We are concerned with impacts to groundwater beneath Torres-Martinez trust lands under present conditions including any scenarios that reduce surface water inflows and related Salton Sea elevation decreases. The author states in Chapter 7, Groundwater, Page 7-5, that:

> ***"...Seepage from the Indio subbasin historically provided substantial groundwater inflow into the Salton Sea until groundwater overdraft conditions occurred (Salton Sea Authority and Reclamation, 2000). The overdraft conditions cause water from the Salton Sea to flow into the Indio subbasin aquifers."***

Further, the author states on Page 7-6 that:

> ***"...Water quality has been impacted at several locations throughout the basin due to petroleum hydrocarbons, nitrates, and salts and has led to the abandonment of several drinking water wells in the Coachella Valley (CRBRWQCB, 2003). Near the Salton Sea, groundwater salinity has increased due to saltwater intrusion from the Salton Sea."***

**We believe overdraft that causes saltwater intrusion from the Salton Sea into groundwater depression areas to be a significant impact on the environment.** Such intrusion would replace groundwater of high to medium quality with water of extremely inferior quality beneath lands between the Salton Sea and those depression areas, and that includes an extensive amount of Torres Martinez Reservation acreage. We strongly suggest that the author illustrate and better describe groundwater conditions north, west and northwest of the Salton Sea. The description should include groundwater contour maps and cross sections that help to illustrate the pumping depression zones that have induced saltwater intrusion into the Indio Subbasin. This illustrative information should be made available to decision makers to adequately address your stated objective to protect water quality.

The PEIR includes Appendix H-2, Hydrology and Hydrologic Models, an important source of information for the narrative quoted above. We suggest that the narrative in the PEIR, Chapter 7, Groundwater, mention this appendix on Page 7-1, first paragraph.

Tables H2-1, Estimated Historic Inflows to the Salton Sea, and H2-4, Estimated Historical Salt Loads to the Salton Sea, appear to support Salton Sea contribution to groundwater as noted by the author. The author should clarify the relationships between the two tables, i.e., Table H2-1 negative values shown for Groundwater Flow from Coachella Valley (af/yr) during the period

1995-2002 versus Table H2-4 negative values shown for CVWD Groundwater Flow Salt Load (tons/yr) during the period 1963-2002.

Figure H2-28 illustrates modeled components of inflows to the Salton Sea. The illustration includes a groundwater inflow component for "Westside Groundwater" and inflow/outflow components for "CVWD Baseline Aquifer Flows" and "Imperial Valley Drainage". The inflow component for "Westside Groundwater" appears to conflict with the West Salton Sea Basin groundwater discussion in Chapter 7, Groundwater. On Page 7-7, the narrative indicates groundwater levels declined about 64 feet between 1979 and 2000. The author should clarify the relationship between inflow to the Salton Sea versus sustained groundwater declines west and northwest of the Salton Sea. Our suggestion to include groundwater contour maps and cross sections might be considered here.

In addition, just south of the Torres Martinez Reservation at Desert Shores, California, the Salton Community Services District recently experienced groundwater contamination to their wastewater collection system. A screening study report indicated that the collection system was receiving groundwater infiltration from the Salton Sea, especially through the collection system's gravity pipelines along the Salton Sea's shoreline. The groundwater table in the area was reported at approximately five-feet below ground surface. The California Regional Water Quality Control Board – Colorado River Region issued an Administrative Civil Liability action (ACL Complaint 97-122). The ACL action required the Salton Community Services District to address the issue and undertake a project to repair the collection system and reduce the percolation of wastewater into the local groundwater aquifer. This Desert Shores issue suggests potential for the hypersaline Salton Sea to recharge shallow groundwater beneath the Torres Martinez Reservation. Again, the author should clarify shallow groundwater flow in the vicinity of the Reservation and correct Figure H2-28 if necessary.

In conclusion of our water resources comments, the PEIR has described intimate hydrologic connection between the Salton Sea and groundwater. Any significant ecosystem restoration induced change to Salton Sea hydrology, i.e., gain or loss in water volume or water quality, will most probably alter groundwater. **The author should better detail the nature of the surface water/groundwater interchange beneath the Salton Sea, the shallow semiperched water body and the lower confined aquifer in the Torres-Martinez Reservation area. This description is paramount to evaluating Salton Sea Ecosystem Restoration as related to impacts on Torres-Martinez and other tribal trust lands.**

Chapter 15, Cultural Resources, should be reviewed. Torres-Martinez owns such resources on lands owned by the tribe. Additionally, we support Torres-Martinez in their efforts to participate in management of cultural resources with which they have a possible historical or cultural connection. We believe Federal Department of the Interior Policy requires that a management role in the protection of these sites should be offered to the tribes. Further, if data recovery excavations to mitigate impacts or human remains are encountered on federally protected Indian trust lands, as noted on Page 15-14, then the project applicants must consult to obtain a federal ARPA permit. The narrative, Page 15-8, first sentence, beginning with "....the resources are generally located within...." is too descriptive of sacred lands. We highly recommend deletion of the sentence.

If you have any questions or concerns, please contact Christopher Reeves, Regional Geohydrologist, at (916) 978-6040, or, Dale Morris, Chief, Regional Division of Natural Resources at (916) 978-6051.

Sincerely,

Amy H Clutschka

Acting Regional Director

cc: Raymond Torres, Chairman
Torres Martinez Desert Cahuilla Indians
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Thermal, CA 92274

James Fletcher, Superintendent, SCA, BIA

John Rydzik, Chief, DECRMS, BIA